

1712

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sidney Shaw White, Jr. et al.

Filed: February 7, 2001

For: ABRASION RESISTANT COATING COMPOSITION, PROCESS FOR MAKING
SUCH COATING COMPOSITION AND ARTICLES COATED THEREWITH

Serial No.: 09/778,432

Group Art Unit: 1712

Examiner: ZIMMER, MARC S.

Atty. Dkt: ESSI:012D1

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Pursuant to 37 C.F.R. 1.8, I certify that this correspondence is being deposited with the U.S. Postal Service in a first class, postage prepaid envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below:

7-10-03

Date

Delebi Ferrara

Name

Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

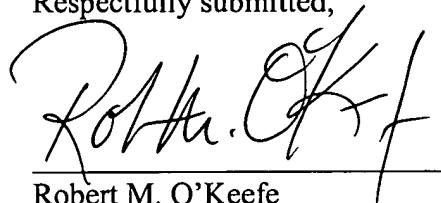
Dear Sir:

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Enclosed is a substitute Response which is in reply to the Notice of Non-Compliant Amendment mailed June 16, 2003, a copy of which is attached.

Should any fees under 37 CFR 1.16-1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct such fees from Deposit Account No. 10-1205.

Respectfully submitted,



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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
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Paper No. 10

Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed 6/6/03 under the voluntary revised amendment practice guidelines¹, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

1. A complete listing of all of the claims is not present in the amendment paper.

2. The listing of claims does not include the text of all claims currently under examination.

3. The claims of this amendment paper have not been presented in ascending numerical order.

4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.

5. Other: _____

LIE: Check one of the following boxes:

PRELIMINARY AMENDMENT: Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

AMENDMENT AFTER NON-FINAL ACTION: Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

Nicole D. Scott

Supervisory Legal Instruments Examiner (SLIE)

705-305-0767

¹ For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at:
<http://www.uspto.gov/web/offices/pac/dapp/opla/preonotice/officef1ver.pdf> and
<http://www.uspto.gov/web/offices/pac/dapp/opla/preonotice/formatrevamndtprac.pdf>